

REMARKS

In the Office Action mailed from the United States Patent and Trademark Office on June 2, 2005, the Examiner rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Gennaro (United States Patent No. 6,317,834, hereinafter "Gennaro") in view of Subbiah (United States Patent No. 6,035,403, hereinafter "Subbiah"), and rejected claim 5 under 35 U.S.C. 103(a) as being unpatentable over Gennaro in view of Subbiah in view of Canestaro (United States Patent No. 6,748,540, hereinafter "Canestaro"). Accordingly, Applicant respectfully provides the following:

Rejections under 35 U.S.C. 103(a)

Examiner rejected claims 1-4 under 35 U.S.C. 103(a) as being unpatentable over Gennaro in view of Subbiah. Applicant respectfully submits that the claim set as provided herein is not made obvious by the cited references.

The standard for a Section 103 rejection is set forth in M.P.E.P. 706.02(j), which provides:

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or combine reference teachings. Second, there must be a reasonable expectation of success. Finally, **the prior art reference (or references when combined) must teach or suggest all the claim limitations.** The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

Applicant respectfully submits that the references cited by the Examiner do not teach or suggest the limitations claimed in the present invention, as presently amended. In particular,

independent claims 1-3 have been amended to include that the only identification that a user is required to provide is a biometric signal. This limitation is supported by the disclosure as originally filed. For example, reference is made to page 8, lines 15-17. And, none of the references cited by the Examiner, alone or in combination, teach or suggest such a limitation.

Gennaro teaches a biometric authentication system that requires a user to provide, in addition to a biometric signal, at least two of the following three elements: a password, an identifier, or an answer to a prompted challenge question. See Figures 4A-11, all of which include at least two of these elements; col. 4, line 57 thru col. 5, line 26; col. 5, lines 46-52; col. 6, lines 4-14 and 30-32; col. 7, lines 55-59; col. 8, lines 13-25; col. 9, lines 41-45 and 55-66; col. 10, lines 42-45; col. 11, lines 14-25; col. 12, lines 20-27; col. 13, lines 63-67; col. 14, lines 4-10; etc. One of the benefits of Applicant's biometric authentication system is that it "obviates the need for passwords, and the problems associated with forgetting several different passwords." Page 8, lines 15-16. Therefore, the combination of Gennaro in view of Subbiah fails to teach or suggest every claim limitation as taught by Applicant.

The remaining dependent claims 4-8, add further limitations to otherwise allowable subject matter and are thus also not rendered obvious by the cited references. Independent claims 6-8 are new and recite the limitation of performing multiple authentication processes, even during use of a software application or a network, to determine if the individual presently controlling the computer input device is still authorized to access the software application or the network. This limitation is supported by the disclosure as originally filed. For example, reference is made to page 6, lines 14-16 and page 7, lines 21-26.

Accordingly, Applicant respectfully submits that for at least the reasons provided herein, the references cited by the Examiner, alone or in combination, do not teach or suggest all the claim limitations. And, since the references cited by the Examiner do not teach or suggest each and every limitation of the independent claims, Applicant respectfully submits that the prior art references do not make obvious independent claims 1-3 as provided herein. And since the prior art references do not make obvious independent claims 1-3, Applicant respectfully submits that the prior art references cited by the Examiner do not make obvious the corresponding dependent claims 4-8, which depend from independent claims 1-3.

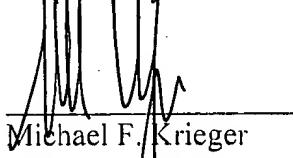
Thus, Applicant respectfully submits that for at least the reasons provided herein, the claim set as provided herein overcomes all rejections made by the Examiner in the Office Action.

CONCLUSION

Applicant submits that the amendments made herein do not add new matter and that the claims are now in condition for allowance. Accordingly, Applicant requests favorable reconsideration. If the Examiner has any questions or concerns regarding this communication, the Examiner is invited to call the undersigned.

DATED this 30 day of August, 2005.

Respectfully submitted,


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